

JAN 28 2003

1645

DOCKET NO: 17044DIV

PATENT # 11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dolly et al.

Examiner: Robert Zeman

Serial No.: 09/676,053

Group Art Unit: 1645

Filed: September 28, 2000

For: MODIFICATION OF  
CLOSTRIDIAL TOXINS FOR USE  
AS TRANSPORT PROTEINS

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SUBSTITUTE SEQUENCE LISTING AND STATEMENT UNDER 37 CFR § 1.821(f)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

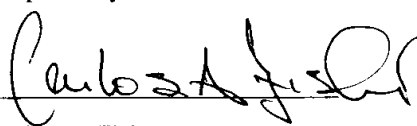
Applicants are responding to the communication mailed September 18, 2002 in which the Sequence Listing was again made subject to a Notice to Comply because of an unreadable Computer Readable Form of the sequence listing.

Applicants hereby enclose a Substitute Computer Readable Form, as required. The information recorded on the enclosed computer readable form is identical to the written sequence listing filed January 4, 2002. No new matter is present in the Substitute Sequence Listing.

Kindly use our Deposit Account 01-0885 for the payment of fees due in connection herewith.

Respectfully submitted,

Dated: 1/16/03



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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Box Supplementary Preliminary Amendment-Non-Fee, Assistant Commissioner for Patents, Washington, D.C. 20231 on:

Date of Deposit: 1/17/2003

Person making Deposit: BONNIE FERGUSON

Signature: Bonnie Ferguson

Date of Signature: 1/17/2003



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|               |             |                       |                     |
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| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
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|          |              |
|----------|--------------|
| EXAMINER |              |
|          |              |
| ART UNIT | PAPER NUMBER |
|          |              |

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The communication filed on 2-26-02 is not fully responsive to the communication mailed 12-13-01 for the reason(s) set forth on the attached Notice to Comply With the Sequence Rules or CRF Diskette Problem Report.

If a complete response has not been submitted by the time the shortened statutory period for response set in the communication mailed has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 C.F.R. 1.136. In no case may an applicant extend the period for response beyond the six month statutory period.

Any inquiry concerning this communication should be directed to Examiner Robert A. Zeman, Art Unit 1645, whose telephone number is 703-308-7991.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

*[Handwritten signature]*  
\_\_\_\_\_  
Examiner

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Application No.: 09/676,053

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s)

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: the drawings contain sequences that are not identified by the requisite SEQ ID NOs..

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**



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C:\WINDOWS>A:

General failure reading drive A  
Abort, Retry, Fail?F

General failure reading drive A  
Abort, Retry, Fail?F  
Current drive is no longer valid>

← Onscreen messages  
when STK PC tried  
to read submitted  
disk